

**REMARKS**

Applicant wishes to thank the Examiner for considering the present application. In the Office Action dated July 15, 2003, claims 1-20 are pending in the application. Claims 2 and 10-15 stand allowed. The allowability of claims 1 and 3-9 if rewritten to overcome the §112 rejections is noted.

Claims 1 and 3-9 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for omitting an essential element, such omissions amounting to a gap between the elements. The Examiner states that the omitted elements are reverse osmosis membrane. Claims 16-20 stand rejected for the same reasons except that the missing steps are passing the fluid through a reverse osmosis membrane. Applicant respectfully traverses.

It is noted in the specification that the claims are not necessarily limited to a reverse osmosis system. Claim 1, for example, refers to a process chamber having a low pressure outlet and a high pressure outlet. The applicant stated this on page 6, line 6, which states: "One skilled in the art would recognize various alternatives without varying from the spirit of the invention such as non-desalinization reverse osmosis systems." Thus, applicant has not limited the broadest claims to a reverse osmosis system. Applicant respectfully requests the Examiner to reconsider her rejections.

Claim 16 stands rejected under §102(e) as being anticipated by *Uhlinger* (6,190,556). Applicant respectfully traverses.

Claim 16 is directed to a method of operating a process having a feed pump directing fluid to a process chamber having a high pressure outlet and a low pressure outlet. The method includes the step of boosting a pressure of fluid output from a feed pump prior to entering a first process chamber using a first portion of high

pressure fluid from the high pressure outlet of a first process chamber and recirculating a second portion of the high pressure fluid and fluidically coupling the second portion of the high pressure fluid between the feed pump and the process chamber. It should be noted that the concentrate outlet 39 of the *Uhlinger* reference is directed back to an energy recovery pump. ~~However,~~ after the fluid leaves the energy recovery pump through channel 41, the system is returned to the ocean through flow meter 43. Thus, there are not two portions of the concentrate output as described in claim 16. Essentially claim 16 divides the high pressure into a first and second portion and recirculates a portion the input before the pump. This is not shown in the *Uhlinger* reference. Therefore, applicant respectfully requests the Examiner to reconsider this rejection.

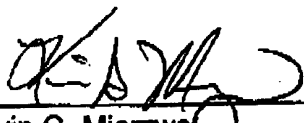
Claims 17-20 stand rejected as being unpatentable under §103(a) as being unpatentable over *Uhlinger* in view of *Hagqvist* (5,320,755). Applicant respectfully traverses.

Because claims 17-20 are further limitations of claim 16, applicant respectfully requests the Examiner to reconsider this rejection as well. The *Hagqvist* reference does not teach or suggest the elements missing from the *Uhlinger* reference.

In light of the above remarks, applicant submits that all rejections are now overcome. Applicant has added no new material to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, she is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to deposit  
account 50-0476.

Respectfully submitted,

  
Kevin G. Mierzwa  
Registration No. 38,049  
Attorney for Applicant

RECEIVED  
CENTRAL FAX CENTER  
OCT 09 2003

Artz & Artz, PC  
28333 Telegraph Road, Suite 250  
Southfield, Michigan 48034  
(248) 223-9500

OFFICIAL